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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of:)
Toll Free) CC Docket No. 95-155
Service Access Codes)

NOTICE OF PROPOSED RULEMAKING

Adopted: October 4, 1995

Released: October 5, 1995

Comment Date: November 1, 1995

Comments of: Telco Planning, Inc.
808 The Pittock Block
921 S.W. Washington Street
Portland, Oregon 97205
503. 224. 1989

COMMENTS

Telco Planning, Inc., is happy to hereby furnish its comments in response to the Commission's Notice of Proposed Rulemaking (NPRM) in the above-captioned proceeding.¹

SUMMARY

Telco Planning participates in Carrier Forums sponsored by the Alliance for Telephone Industry Solutions (ATIS), which has created many of the industry issues considered in the NPRM. Telco Planning represents RespOrgs and Carriers with vested interests in providing Public Switched Telephone Networks using Public resources over which the FCC maintains Public responsibility. We represent the interests of our clients, both small and large, who seek open, fair and reasonable rules, under which to manage their networks. The comments found in the NPRM require FCC action.

¹ FCC 95-155, released October 5, 1995

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COMMENTS CORRESPOND BY F.C.C. NPRM PARAGRAPH #

13. We believe in responsible RespOrg operating practices. In this regard, they should have a firm order from a subscriber before issuing them a number. This can be handled in the same manner as is now required for a letter of agency before the RespOrg from their subscriber indicating the request. These letters should be retained for two years. This should be made a matter of carrier tariff and Commission Rule. Our position is not to limit the services and capabilities of any RespOrg, but only to seek rules that require us all to act responsibly. This is the much more preferable position to, say, having the Commission or entity like DSMI take over full control of number assignments and number inventory management.

14. Telco Planning is not in favor of the Commission creating any additional deposit fees or escrow fees for numbers held in reserve status.

15. See # 14, above.

16. Telco Planning is in favor of monetary penalties for RespOrgs only if they are found to be hoarding. Hoarding can be defined by the Commission and included in carrier tariffs. Numbers held and unused beyond 90 days seems a reasonable and fair length of time for all RespOrgs to live under.

18. Once a number moves from held status to reserved status, 45 days should be plenty of time until a number must be returned for reassignment, if not activated.

19. Telco Planning suggests that two classes of aging list be established. First, a one-year list for numbers that we previously used for high-volume, response center applications having high public visibility, advertising awareness and commercial value. Second, a 90 day aging list for numbers which can, because of the nature of their previous use (convenience, access, consumer, residential) would naturally result in very low misdials if reactivated after only 90 days. (Could be 120 days).

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20. PIN Technology is a completely separate service issue to this NPRM. Telco Planning believes the underlying 800/888 number used for the collective PIN subscribers must be looked-at and examined just like any other number. The nature of the collective uses of all subscribers utilizing the one PIN platform must be considered. This will determine how to treat the individual 800/888 number.

21. Telco Planning **STRONGLY** believes that PIN Technology is an issue for specialty-platform providers only. The fact that any specialty-platform service may choose to utilize any toll-free access method is not the issue. We **STRONGLY** recommend that the Commission **NOT EVER MANDATE PIN SERVICES** as a substitute for solving numbering plan issues. This would be a **VERY ANTI-COMPETITIVE** measure, if adopted.

23. Telco Planning believes that the Commission should establish two sets of reservation procedures. One for regular numbers to be assigned where the subscriber is not interested in obtaining any particular numerical sequence. A second procedure should be followed for subscribers wishing to achieve a particular line number sequence for the purpose of spelling out some mnemonic.

We propose this for the purpose of taking away the natural advantage of a large RespOrg over a small when, since the large one will obviously have the greater probability of either having or obtaining the specific vanity/commercial number for their prospective subscriber's use.

Disputes should be settled by the date and time of application (letter of Agency). See section number 13, above. Dispute resolution should be handled by whatever remedies are already available to each RespOrg., and not by the Commission. The Commissions position is already clear on number ownership.

Finally, high demand/vanity numbers can be included in our proposed two-category system. They should be included in the group with specific number sequence requests. Rules can be tightened and made more stringent for all RespOrgs.

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24. Telco Planning proposes, if it is not too late, for the Commission to consider the establishment of use categories for toll-free NPA's:

800 Numbers: For initiating and servicing of advertising, marketing, promotion, sales and customer support types of calls.

888 Numbers: For initiating and servicing voice mail, paging and other messaging and messaging support.

877 Numbers: For initiating and servicing residential, personal, consumer-use only, non-commercial calls.

This type of assignment scheme will also obviate or minimize the issue of whether a subscriber utilizing, say 800 "FLOWERS", should have the right of first refusal to 888 "FLOWERS".

Telco Planning believes that if such a scheme is not utilized, then any subscribers utilizing 800 for commercial purposes should have right of first refusal to the identical 888 line number.

Finally, why should there even be a concern about establishing a "gradual implementation" of new toll-free codes? If proper and fair guidelines exist for all RespOrgs, and procedures and policies are established proscribing how long a number may be held before assignment and how long before it must be activated after assignment, then why should it matter how quickly new numbers are assigned from the new number group. Telco Planning further believes that if the Commission adopts our recommendation to create NPA categories as described above, this will also go a long way toward obviating the issue of how quickly new numbers in any given new toll-free NPA should be assigned.

25. Since the completion of calls and the carriage of traffic is the method by which carriers earn revenue and hopefully profits, the Commission shouldn't worry about initial spurts of traffic volumes when 888 is opened for use. The carriers themselves will determine their expected traffic volume hits/explosions, etc, and if worth their salt at all, will already have in place the additional network facilities to handle the additional offered load. If they don't, its their revenue they are turning away.

27. Implement NPA service categories and use 50% exhaustion triggers.

28. Telco Planning supports six-month notice of new NPA activations.

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- 29. Telco Planning supports the February 1997 deadline as reasonable.**
- 31. Telco Planning supports the Commission receiving full reporting by DSMI monthly.**
- 32. Telco Planning support monetary penalties sufficient to eliminate warehousing and hoarding.**
- 33. We support a 10 % reserve pool limitation. Financial remedies are appropriate, up to and including, loss of RespOrg certification.**
- 34. Telco Planning fully supports certification of numbers in use under penalty of false statement on a quarterly basis.**
- 35. Unless the Commission wants to openly invite the ire of the courts, then a plan which will provide an orderly resolution and administration of a subscribers right of first refusal for the same line line number in a new toll-free NPA IS ABSOLUTELY NECESSARY.**
- 40. The Commission should take no interest in the estimated quantity of existing vanity numbers in the 800 NPA. Whether there is only one or six million vanity numbers, the Commission must protect the existing subscribers right of first refusal. Federal trademark law will sufficiently protect existing subscribers.**
- 41. Telco Planning vigorously supports the subscribers right of first refusal on a free of charge basis.**
- 42. Telco Planning supports the right of first refusal for all subsequent toll-free NPA's, such as 877,866,855, etc.) But remember, the subscriber must activate the number within a reasonable time period, such as 90 days.**
- 44. Forget alternatives to right of first refusal. Anything else will be too cumbersome and too litigation prone.**

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- 45. Forget SIC Codes, forget this idea, see 44., above. Trademark litigation occurs because of what someone believes in their head, not based upon what some SIC Code translates to, or decodes to. Also, there will be many SIC Code assignment errors. This type of a plan just imposes another numbering plan on top of an existing one, only greatly adding the possibility of confusion, frustration, deception and additional human error.**
- 46. Again, see 44., above.**
- 47. This is an important consideration and strong idea. Telco Planning strongly supports the creation and maintenance of a separate, high-volume/high-visibility/highly-advertised, number list and keep these numbers on a much longer aging list prior to re-assignment (see 19., above) , as well as the establishment of an assignment process that prevents the assignment of the same NXX and line number, in say 888, as may be working in 800 for a high-volume, high-visibility subscriber. This is even more important when you consider that even with right of first refusal, not all existing 800 subscribers will seek the same number in 888.**
- 48. Telco Planning supports the Commission's plan to open 800/888 Directory Assistance to competition and we also support the non-assignment of 888. 555. 1212, until such time as toll free DA issues have been resolved.**
- 49. Telco Planning supports DSMI continuing to administer the SMS/800 and upcoming SMS/888 database. We see no reason to move this to another administering party at this time, particularly since BELLCORE is for sale, and this could mean that DSMI could be spun off at such time, or remain with the new owner of BELLCORE.**
- 50. Telco Planning, Inc., is an industry consulting firm, which is well-qualified to perform the additional public awareness work required for a successful launch of 888. We invite the Commission to open a direct dialog with us on this subject. You can never have too much positive public relations and public awareness.**

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51. through 54. "Circuit Breaker Model"

If the Commission adopts the establishment of new toll-free NPA's by category of service type (see 24., above), and also adopts a 50% trigger on opening of a new NPA, then the Circuit Breaker Model will not be necessary.

56. Telco Planning supports the Commissions belief that there will be no extraordinary tariffing issues, or need on the part of the LEC's for extraordinary modifications, Part 69 Waivers, or the need for charging interim rates.

57. Telco Planning believes that the proposed collection of information sought within this NPRM is necessary for the proper performance of the functions of the Commission, and will have practical utility.

Sincerely,

**D. Kelly Daniels, and
Bradley W. Prentiss,
for:**

**Telco Planning, Inc.
Tuesday, October 31, 1995**